

## **IC 5-16-6.5**

### **Chapter 6.5. Minority Business Certification**

#### **IC 5-16-6.5-1**

##### **"Disadvantaged business enterprise" defined**

Sec. 1. As used in this chapter, "disadvantaged business enterprise" means a minority business enterprise as defined in IC 4-13-16.5-1.

*As added by P.L.70-1987, SEC.1.*

#### **IC 5-16-6.5-2**

##### **"Public agency" defined**

Sec. 2. As used in this chapter, "public agency" includes the following:

- (1) A political subdivision as defined in IC 36-1-2-13.
- (2) A municipally owned utility.
- (3) A lessor corporation leasing a school building to a school corporation under IC 20-47-2 or IC 20-47-3.
- (4) A lessor corporation constructing a public facility to be leased to a political subdivision.
- (5) A state agency.
- (6) Any entity established by the general assembly as a body corporate and politic.

*As added by P.L.70-1987, SEC.1. Amended by P.L.2-2006, SEC.30.*

#### **IC 5-16-6.5-3**

##### **"Women-owned business enterprise" defined**

Sec. 3. As used in this chapter, "women-owned business enterprise" means a business that is at least fifty-one percent (51%) owned and controlled (as defined in IC 4-13-16.5-1) by a woman or women.

*As added by P.L.70-1987, SEC.1.*

#### **IC 5-16-6.5-4**

##### **False representations by contractor to public agency; breach of contract**

Sec. 4. A contractor who, knowingly or intentionally, falsely represents to a public agency that the contractor:

- (1) is a disadvantaged business enterprise or a women-owned business enterprise; or
- (2) will use the services or commodities of a disadvantaged business enterprise or a women-owned business enterprise;

is in breach of contract.

*As added by P.L.70-1987, SEC.1.*

#### **IC 5-16-6.5-5**

##### **Penalties for breach of contract**

Sec. 5. (a) If a breach of contract occurs under section 4 of this chapter, the public agency shall suspend all payments to the contractor under that contract unless it determines that the contractor

made a good faith effort to avoid the breach but was unable to do so.

(b) If the public agency determines that the contractor did not act to avoid the breach, it may:

- (1) rescind the contract and recover all amounts paid under it if the breach occurs under section 4(1) of this chapter;
- (2) recover all amounts paid to the contractor under the contract that were intended for expenditure with a disadvantaged business enterprise or a women owned business enterprise if the breach occurred under section 4(2) of this chapter; or
- (3) employ any legal or administrative remedies that the agency prescribes by rule or in the contract.

*As added by P.L.70-1987, SEC.1. Amended by P.L.71-1989, SEC.1.*

#### **IC 5-16-6.5-6**

##### **Bidding restrictions on contractors breaching contracts**

Sec. 6. If a contractor commits a breach of contract under section 4 of this chapter, the contractor is prohibited from bidding on contracts awarded by any public agency for up to thirty-six (36) months. The public agency shall determine the period of time during which the contractor is prohibited from bidding on contracts under this section.

*As added by P.L.70-1987, SEC.1. Amended by P.L.71-1989, SEC.2.*